

# **EXHIBIT 12**

1 would be reasonable to make an assumption for public  
2 interest purposes that restoration to baseline values  
3 will not be achieved for purposes of trying to weigh  
4 whether that would be offset by the positives  
5 associated with mining?

6 A. I think what should be weighed is whether or  
7 not restoration was achieved in accordance with the  
8 applicable rules.

9 Q. And you would not include that in any public  
10 interest consideration?

11 A. Well, I would. I mean, as Dr. Darling said  
12 in his report, and with the possible exception of the  
13 O'Hern No. 3 that every single PAA they had to have an  
14 amended restoration. I would just emphasize that  
15 amended restoration tables are allowed, and there are  
16 very specific rules and requirements that need to be  
17 met before a restoration table amendment is granted.

18 Q. And I have one other question along those  
19 lines and that is: If an amendment is granted, let's  
20 just say that the green area PA-1 was supposed to be  
21 restored to -- let's pick the baseline in the  
22 application, 0.115 milligrams per liter of uranium.  
23 And let's say a decision was made that an amendment --  
24 well, an application for an amendment was made saying  
25 We can't get below 2 milligrams per liter of uranium.

1 The amendment is granted. Is there a monitoring  
2 requirement that remains in place after the amendment  
3 is granted?

4 A. No.

5 MR. BLACKBURN: Your Honor, is this a  
6 good time to break for the day or would you like to  
7 continue?

8 ADMINISTRATIVE JUDGE: How much more do  
9 you have?

10 MR. BLACKBURN: I've got several hours.

11 ADMINISTRATIVE JUDGE: How much Cross?  
12 Redirect?

13 MR. REDMOND: Our preference is to try  
14 to finish it tonight if that's possible.

15 ADMINISTRATIVE JUDGE: How much time?

16 MR. REDMOND: We don't anticipate much  
17 Direct. Our plans would be -- our preference would be  
18 to try to finish tonight if possible.

19 ADMINISTRATIVE JUDGE: Okay, sir.

20 MR. ARTHUR: Your Honor, I've got, I'm  
21 going to guess, about 15 minutes of Cross.

22 ADMINISTRATIVE JUDGE: Let's recess now  
23 and reconvene at 9:00 in the morning.

24 MR. BLACKBURN: Thank you, Your Honor.

25 (Hearing recessed for the day.)